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**FACSIMILE TRANSMITTAL SHEET AND  
CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8****TO:** Examiner Rebecca E. Prouty - Group Art Unit 1652 - U.S.P.T.O

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- 1) Reply After 1<sup>st</sup> Office Action (3 pgs.)
- 2)
- 3)
- 4)
- 5)

Inventor(s): Smets et al.

S.N.: 09/806,046

Filed: May 21, 2002

Case: CM2108

Comments:

Appl. No. 09/806,046  
Atty. Docket No. CM2108  
Amdt. dated 07/06/2004  
Reply to Office Action of 06/03/2004  
Customer No. 27752

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**OFFICIAL**

Application No. : 09/806,046  
Applicant(s) : Johan Smets et al.  
Filed : May 21, 2002  
Title : Laundry Detergent And/Or Fabric Care Compositions  
Comprising Chemical Components Linked To A  
Cellulose Binding Domaine  
TC/A.U. : 1652  
Examiner : Rebecca E. Prouty  
Conf. No. : 4883  
Docket No. : CM2108  
Customer No. : 27752

**REPLY AFTER 1<sup>ST</sup> OFFICE ACTION UNDER 37 CFR §1.111(b)**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY REMARKS**

In reply to the Restriction Requirement of June 3, 2004, this response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due.

*Remarks* begin on page 2 of this paper.

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### REMARKS

The Examiner has required restriction as to a single species of chemical component and a single species of cellulose binding domain, because the disclosed chemical entities are "...deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1." For the purpose of compliance with the election request and to expedite prosecution, Applicants elect, with traverse, a chemical entity comprised of: 1) the Cellulose Binding Domain family 45 from the endoglucanase derived from *Humicola insolens* DSM1800 with a molecular weight of about 43kDa; and 2) the chemical component of bleaching agents. Applicants further identify Claims 2 – 12 as readable on the elected species. The bases for Applicants' traversal of the election are as follows.

First, The International Examining Authority recognizes that the present invention possesses unity insofar as no unity of invention objection was raised by the International Examiner. Applicants respectfully assert that the instant restriction requirement therefore is improper under PCT Article 27, Para. (1), wherein it is stated that no national law may require compliance with requirements relating to international applications that are different from or in addition to those provided for in the PCT.

Second, Applicants submit that the restriction requirement is improper in light of PCT Rule 13.2. According to Rule 13.2, "Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression 'special technical features' shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." Thus, restriction is proper only when the restricted groups do not share a common technical feature that defines the invention's contribution over the prior art. In line with this argument, chemical entities of the present invention are comprised by a chemical component, which is defined as any compound which gives a desirable effect on a fibre or fabric, linked to a cellulose binding domain (CBD) that has a binding constant for crystalline cellulose (Kr-c) of at least 10 l/gcellulose, and/or a binding constant for Avicel (Kr-av) and/or for amorphorous cellulose (Kr-am) of at least 1.5 l/g cellulose. Thus the chemical entities of the present invention share the common technical feature of a CBD that is especially adapted to selectively bind cotton fibers, i.e. crystalline cellulose,

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Avicel, and/or amorphous cellulose. This common technical feature is not disclosed in the cited art and restriction is therefore improper.

Third, Applicants assert that the Examiner's restriction requirement is improper in light of M.P.E.P. §803, which states that, "[t]here are two criteria for a proper requirement for a restriction between patentably distinct inventions: 1) inventions must be independent ... or distinct as claimed; and 2) there must be a serious burden on the examiner if a restriction is required...."

With regard to the second criterion, Applicants respectfully assert that a search of the application can be made without serious burden on the Examiner. The Examiner himself has called out at least two references, Jones et al. (WO 98/00500) and Von der Osten et al. (WO 97/28243) that teach "fusions of cellulose binding domains to a variety of chemical components." In fact, not only does Von der Osten et al. disclose such compositions, but it also discloses chemical components linked to the CBD that are similar to those disclosed in the instant invention, including perfumes, encapsulated perfumes, photo protective agents, soil release polymers, soil repelling agents, fabric softening compounds, insecticides, fungicides, antioxidants, or dye fix actives. See Specification, Claim 10. Since the search required would not impose a serious burden on the Examiner, as required by the M.P.E.P., Applicants assert that the instant species of chemical entities are not independent inventions.

In sum, prosecution of the present application without restriction would not impose an undue burden upon the Examiner. Thus, the restriction requirement as presented would be improper under current M.P.E.P. guidelines, and is therefore respectfully traversed.

Respectfully submitted,

By

  
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July 6, 2004  
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